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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,500	02/05/2001	Nicholas William Sincaglia	21685-06151	8385
758	7590	12/08/2003	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			EHICHOYA, FRED I	
			ART UNIT	PAPER NUMBER
			2172	11

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/777,500	SINCAGLIA ET AL.0
	Examiner Fred I. Ehichioya	Art Unit 2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 17 November 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1, 2, 5, 9-15, 18, 20, 21, 23 - 27 is/are pending in the application.

4a) Of the above claim(s) 3, 4, 6, 7, 8, 16, 17, 19 and 22 are cancelled. ~~is/are withdrawn from consideration.~~

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1, 2, 5, 9-15, 18, 20, 21, 23 - 27 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) Interview Summary (PTO-413) Paper No(s) _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

1. Claims 1, 2, 5, 9 – 15, 18, 20, 21, and 23 - 27 are pending in this office action.

Claims 1, 2, 5, 9, 10, and 18

Claims 3, 4, 6, 7, 8, 16, 17, 19 and 22 are canceled.

New claims 23 - 27 are presented.

2. Applicants' arguments with respect to claims 1, 2, 5, 9 – 15, 18, 20, 21, and 23 - 27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,498,897 issued to Michael N. Nelson et al (hereafter "Nelson") in view of U.S. Patent 6,453,355 issued to Anne Jones et al (hereinafter "Jones").

Regarding claim 1, Nelson teaches a method for obtaining media data in a client device, the method comprising:

requesting media data from a meta data server on a media network managed by a media service provider (see column 3, lines 24 – 35 and column 5, lines 5 – 17);

receiving meta data from the said meta data server, the meta data associated with the requested media data (see column 3, lines 35 – 67 and column 6, lines 45 – 56);

Nelson does not explicitly teach using the received meta data to locate at least one media data server, the media data server separate from the media network and controlled by a media data owner independent of the media service provider; and accessing the requested media data from the media data server.

Jones teaches using the received meta data to locate at least one media data server, the media data server separate from the media network and controlled by a media data owner independent of the media service provider (see column 13, lines 39 – 67 and column 14, lines 1 – 18); and

accessing the requested media data from the media data server (see column 14, lines 19 – 31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Jones with the teaching of Nelson wherein meta-data is used to locate media data from the Internet. The term Internet refers to a network of networks. The motivation is that accessing the Internet facilitates the locating and transferring of this media data.

Regarding 25, Nelson teaches the meta data received from the meta data server is for a portion of the requested media data that is unusable without an additional portion of the requested media data, the method further comprising:

receiving additional meta data for the additional portion of the requested media data from the meta data server (see column 3, lines 24 – 35); and
accessing the additional portion of the requested media data using the additional meta data (see column 3, lines 35 – 67).

5. Claims 2, 5, 9, 10, 11, 12, 13, 15, 23, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,412,004 issued to Ling Tony Chen et al. (hereafter “Chen”) in view of Jones.

Regarding claim 2, Chen teaches a media network system comprising:

at least one meta data server on- a media network managed by a media service provider, wherein in response to receiving a request for media data the meta data server

provides meta data associated with the requested media data (see column 6, lines 50 – 66 and column 7, lines 1 – 12);

at least one media data server separate from the media network and controlled by a media data owner independent of the media service provider (see column 6, lines 63 – 66); and

Chen does not explicitly teach at least one client connected to the media network for transmitting a request for media data to the meta data server, the client using the meta data received from the meta data server to locate at least one media data server and access the requested media data.

Jones teaches at least one client connected to the media network for transmitting a request for media data to the meta data server, the client using the meta data received from the meta data server to locate at least one media data server and access the requested media data (see column 13, lines 39 – 67 and column 14, lines 1 – 18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Jones with the teaching of Chen wherein meta-data is used to locate media data from the Internet. The term Internet refers to a network of networks. The motivation is that accessing the Internet facilitates the locating and transferring of this media data.

Regarding claim 5, Chen teaches a second client of said at least one client functions as a first media data server of said at least one media data server, and wherein the at least one meta data server informs said at least one client that said second client

functioning as a first media data server has access to said requested media data (see column 2, lines 40 – 64).

Regarding claim 9, Chen teaches a method for servicing media data requests in a meta data server, the method comprising:

receiving a media data request from a sa4d client on a media network managed by a media service provider (see column 11, lines 42 – 48);
transmitting the meta data to the client over the media network (see column 4, lines 55 – 67).

Chen does not explicitly teach retrieving meta data associated with the media data request from a meta data database, the meta data for use by the client to access the requested media data from a media data server, the media data server separate from the media network and controlled by a media data owner independent of the media server provider.

Jones teaches retrieving meta data associated with the media data request from a meta data database, the meta data for use by the client to access the requested media data from a media data server (see column 1, lines 64 – 67 and column 2, lines 1 – 6), the media data server separate from the media network and controlled by a media data owner independent of the media server provider (see column 13, lines 39 – 67 and column 14, lines 1 – 18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Jones with the teaching of Chen wherein meta-data is

used to locate media data from the Internet. The term Internet refers to a network of networks. The motivation is that accessing the Internet facilitates the locating and transferring of this media data.

Regarding claim 10, Chen teaches the meta data contains an address for at least one media data server, the method further comprising the steps of:

designating a primary media data server of said at least one media data server based upon criteria gathered from the communication network (see column 7, lines 32 – 59).

Regarding claim 11, Chen teaches the primary media data server is designated as a first media data server of the at least one media data server having the least number of clients accessing media data files (see column 8, lines 64 – 67 and column 9, lines 1 – 22).

Regarding claim 12, Chen teaches the primary media data server is designated as a first media data server of the at least one media data server having a highest reliability rating (see column 4, lines 26 – 33 and column 5, lines 34 – 65).

Regarding claim 13, Chen teaches the primary media data server is designated as a first media data server of the at least one media data server having the highest data throughput (see column 8, lines 31 – 35).

Regarding claim 14, Chen teaches the primary media data server is designated by the meta data server (see column 8, lines 26 – 31).

Regarding claim 15, Chen teaches the primary media data server is designated by the client (see column 8, lines 26 – 31).

Regarding claim 23, Chen teaches the meta data transmitted to the client are for a portion of the requested media data that is unusable without an additional portion of the requested media data, the method further comprising:

requesting additional meta data for the additional portion of the requested media data (see column 6, lines 60 – 66); and

transmitting the additional meta data to the client (see column 4, lines 55 – 67).

Regarding claim 27, Chen teaches the meta data server transmits to the client meta data for a portion of the requested media data, the portion of the requested media data being unusable without an additional portion of the requested media data, and the meta data server further transmits to the client additional meta data for the additional portion of the requested media data, the client using the additional meta data to access the additional portion of the media data from a media data server (see column 4, lines 55 – 67).

6. Claims 18, 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Jones and further in view of Wiser.

Regarding claim 18, Chen and Jones disclose the claimed subject matter as discussed in claim 9. Chen or Jones does not explicitly teach the requested media data are encrypted, the method further comprising:

requesting an encryption key for the requested media data from a meta data database; and transmitting the encryption key to the client.

Wiser teaches the requested media data are encrypted, the method further comprising (see column 3, lines 51 – 63):

requesting an encryption key for the requested media data from a meta data database (see column 4, lines 33 – 36); and

transmitting the encryption key to the client (see column 4, lines 36 – 41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Wiser with the teaching of Chen and Jones wherein the additional media data is known only to the purchaser of these media data. The motivation is that these portion of the media data provide additional security measures in combination with the encryption mechanisms.

Regarding claim 21, Wiser teaches receiving a log in request from said client over the communication network (see column 20, lines 19 – 43); and

performing a client access permission verification (see column 20, lines 57 – 64 and column 22, lines 20 – 24).

Regarding claim 26, Wiser teaches wherein the media data are encrypted, and the meta data server transmits and encryption key to the client for using the media data (see column 3, lines 51 – 63 and column 4, lines 33 - 41).

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Jones and further in view of U.S. Patent 6,209,787 issued to Takahito Iida (hereinafter “Iida”).

Regarding claim 20, Chen and Jones disclose the claimed subject matter as discussed in claim 9. Chen teaches said meta data comprises at least one data item, said at least one data item selected from the list of:

a network address of a primary server that has access to the media data file (see column 7, lines 19 – 31);

a directory structure of a primary storage device that contains the media data file (see column 9, lines 29 – 38);

a name of the media data file (see column 9, lines 39 – 45);

a network address of at least one alternate server that has access to the media data file (see column 7, lines 19 – 31);

a directory structure of at least one alternate storage devices that contains the media data file (see column 9, lines 19 – 38);

a network address of a server that has access to a graphical image associated with the media data file (see column 4, lines 21 – 23 and column 7, lines 19 – 31);

a directory structure of a storage device that contains a graphical image associated the media data file (see column 4, lines 21 – 23 and column 9, lines 29 - 31);

a network address of a server that has access to additional information about artistic work contained in the media data file See column 7, lines 19 – 31; lida teaches “artistic work” in column 11, lines 26 – 36);

a directory structure of a storage device that contains additional information about artistic work contained in the media data file (see column 9, lines 29 – 38; lida teaches “artistic work” in column 11, lines 26 – 36);

a network address of a server which offers a sale of the media data file (see column 7, lines 19 – 35);

a directory structure of a storage device that contains sales information for the media data file (see column9, lines 29 – 38);

Chen or Jones does not explicitly teach a name of and owner of the media data file; a name of a composer of the media data file; a name of the copyright holder of the media data file; a name of a graphical image file associated the media data file; a title of an artistic work contained in the media data file; a title of a body of work in which the media data file is associated; a name of at least one performer of the media data file;

a name of at least one composer of artistic work contained on the media data file; a name of at least one creators of the media data file; a name of a file that contains additional information about artistic work contained in the media data file; a name of a file that contains information on a sale of the media data file; a network address of a server which offers a sale of associated products of the media data file; a directory structure of a storage device that contains sales information for the associated products of the media data file; and a name of a file that contains information on sales of associated products of the media data file.

Iida teaches a name of and owner of the media data file (see column 49, lines 20 – 67);

a name of a composer of the media data file (see column 49, lines 20 – 67);

a name of the copyright holder of the media data file (see column 40, lines 49 – 59);

a name of a graphical image file associated the media data file (see column 37, lines 58 – 67 and column 38, lines 1 – 2); a title of an artistic work contained in the media data file (see column 12, lines 17 – 25);

a title of a body of work in which the media data file is associated (see column 11, lines 33 – 36 and column 17, lines 12 – 53); a name of at least one performer of the media data file (see column 12, lines 17 – 25 and column 17, lines 12 – 53);

a name of at least one composer of artistic work contained on the media data file (see column 12, lines 17 – 25 and column 17, lines 12 – 53);

a name of at least one creators of the media data file (see column 17, lines 12 – 53);

a name of a file that contains additional information about artistic work contained in the media data file (see column 11, lines 26 – 36);

a name of a file that contains information on a sale of the media data file (see column 77, lines 29 – 43); a network address of a server which offers a sale of associated products of the media data file (see column 75, line 23 and column 77, lines 29 – 45);

a directory structure of a storage device (see Chen: column 9, lines 29 – 38) that contains sales information for the associated products of the media data file (see column 79, lines 64 – 67 and column 80, lines 1 – 3); and

a name of a file that contains information on sales of associated products of the media data file (see column 77, lines 29 – 43).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Chen and Wiser with the teaching of Iida wherein videos, CDs, musical selections or any other multimedia data are selected and purchased over the network. The motivation is that this purchases are safe and secure due to encryption mechanism.

8. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson in view of Jones and further in view U.S. Patent 6,385,596 issued to Philip R. Wiser et al (hereinafter "Wiser").

Regarding claim 24, Nelson and Jones disclose the claimed subject matter as discussed in claim 1. Nelson or Jones does not explicitly teach the media data are encrypted, the method further comprising:

receiving an encryption key for the media data from the meta data server.

Wiser teaches the media data are encrypted, the method further comprising:

receiving an encryption key for the media data from the meta data server (see column 4, lines 36 – 41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Wiser with the teaching of Nelson and Jones wherein the encryption key creates additional security measures when retrieving the media data. The motivation is that with the encryption key only the purchaser has access to a particular media data at a time.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 703-305-8039. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-303-3900.

Fred I. Ehichioya
Examiner
Art Unit 2172
December 1, 2003



KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100